

# Exhibit I

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3           SOUTHERN DIVISION

4       GARY BRICE McBAY,  
5       Plaintiff,

6       VERSUS                   CIVIL ACTION NO: 1:07cv1205LG-RHW  
7

8       HARRISON COUNTY, MISSISSIPPI,  
9       by and through its Board of  
10      Supervisors; HARRISON COUNTY  
11      SHERIFF, George Payne, in his  
12      official capacity; CORRECTIONS  
13      OFFICER MORGAN THOMPSON,  
14      acting under color of state law,  
15      Defendants.

16                   30(b)(6) DEPOSITION OF HARRISON  
17                   COUNTY SHERIFF'S DEPARTMENT,  
18                   GEORGE H. PAYNE, JR., DESIGNEE

19                   Taken at the offices of Dukes, Dukes,  
20                   Keating & Faneca, P.A., 2909 13th  
21                   Street, Sixth Floor, Gulfport,  
22                   Mississippi, on Thursday, October 1,  
23                   2009, beginning at 9:05 a.m.

24       APPEARANCES:

25       PATRICK R. BUCHANAN, ESQUIRE  
      MARK V. WATTS, ESQUIRE  
      Brown Buchanan, P.A.  
      796 Vieux Marche' Mall, Suite 1  
      Biloxi, Mississippi 39530  
      ATTORNEYS FOR PLAINTIFF

1 there. At 10:52:42, we see two correction  
2 officers enter her holding cell; is that right?

3 A. It looks that way, yes, sir.

4 Q. All right. You saw Marguerite go into  
5 the holding cell, the correction officers leave,  
6 and now the two correction officers go back into  
7 the holding cell; is that correct?

8 A. Correct.

9 Q. During that time frame, did you see  
10 anything, on your review of this booking video,  
11 that showed where Marguerite was being a threat to  
12 herself, other inmates, or the prison staff?

13 A. Not from what I could tell in this.

14 Q. All right. Go forward a little bit.  
15 Stop. Did you see Marguerite just stand up there?

16 A. No, I didn't.

17 Q. Back up. I want you to watch. And if  
18 you can't tell it, you can't tell it. But I want  
19 you to watch and see, if you can see, when the  
20 correction officers enter whether Margaret stands  
21 up or not.

22 A. No. She's sitting.

23 Q. Do you see now?

24 A. Now she stood -- yeah. It appears like  
25 she stood up.

1 Q. It appears like she stood up, doesn't  
2 it --

3 A. Uh-huh.

4 Q. -- at 10:52:51-ish? And at 10:52:54, a  
5 third correction officer enters the cell, right?

6 A. Yes.

7 Q. And from what we have here, we can't see  
8 what's going on in the cell, can we?

9 A. No.

10 Q. The correction officers and Marguerite  
11 are behind that wall between the window and the  
12 door window, right?

13 A. Correct.

14 Q. Now at 10:53:36 we see the correction  
15 officers leaving the cell and Marguerite again  
16 back on the bench, right?

17 A. It appears that way, yes.

18 Q. All right. You can pause it there for a  
19 minute. If you look at Exhibit 14 that I gave you  
20 a couple of minutes ago on Page 3, the typewritten  
21 report, it says, about halfway down, Carrubba was  
22 secured in Holding Cell 7 in restraints, which  
23 is -- my understanding, that's the holding cell  
24 we're looking at in the upper left-hand quadrant.  
25 Several minutes later, Deputy Priest observed

1 Q. And who would have been the person that  
2 did that investigation?

3 A. It would have either been Major Riley or  
4 Steve Campbell with our professional standards  
5 unit to see if there's any validity to it, to see  
6 if the people were still working there, did we  
7 have complaints, was it something we knew about or  
8 didn't know about, things of that nature.

9 Q. Do you know whether or not Riley or  
10 Campbell investigated this?

11 A. I'm sure they did.

12 Q. Do you know what the findings were?

13 A. I don't remember.

14 Q. Do you know whether or not they would  
15 have generated a written report relative to their  
16 investigation of these concerns?

17 A. If they were founded, yes.

18 Q. Well, that may -- that probably leads to  
19 a better question I should have asked you. Are  
20 you disputing the findings of the report, Exhibit  
21 2?

22 A. I'm not disputing the fact that some  
23 people probably told Steve Martin some of these  
24 things.

25 Q. All right. Mr. Martin says, These four

1 Q. And what did he tell you was  
2 specifically addressed in it?

3 A. I don't remember. Like I said,  
4 Mr. Martin and I talked probably twice a month.

5 Q. All right. Back to my original  
6 question, then: These pleas, how did you miss  
7 what was going on in booking?

8 A. I probably depended too much on the FBI  
9 and justice and finding out what was going on and  
10 not reporting it.

11 Q. Do you believe that this is a -- this  
12 problem in these plea exhibits is a problem you  
13 should have known about?

14 A. Yeah. I don't know if it was possible  
15 for me to know about it, but I wish I'd have known  
16 about it.

17 Q. Why wouldn't it be possible for you to  
18 know about it?

19 A. Well, I mean, if it was concealed -- and  
20 it appears they concealed it, concealed it from  
21 everybody, not only concealed it to me, but  
22 concealed it from the FBI and the justice  
23 department and the National Institute of  
24 Corrections, which I had in that place probably a  
25 half a dozen times.